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Department of Rv

OFFICE Board of Rev

STATION Madras

Mis No. 1542

Dated 6. 5. 36

DEPT. OF REVENUE
11 MAY 1936

(SUBJECT.)

Rev Ree (Bellary) Hadagalli
Hurihadagalli Vge - S Nos 16
sale for arrears of revenue
Omission to issue notice with
English & vernacular Copies
of the sale Collr authorise

C.F. 32.

Revenue DEPARTMENT. A 1807

In reply, please quote number, date and short title.*

Received *Registered*

From (Name) T. Bhaskara Rao Esq., I.C.S.,

(Designation) Collector

POST BOX ....., (STATION) Bellary

Telegraphic Address

To

The Secretary to the Commissioners,

Board of Revenue,

Madras.

Ref:C. *No.* 525/36, *dated* 21-4-1936 19

Sir,

* Revenue recovery - sale of land - S.No. 160 - Hadagalli taluk - Hirehadagalli village - bought-in-by Government - cancellation - petition of Basavaraj - minor by guardian mother Gowramma - report.

S.No. 160 of Hirehadagalli village in Hadagalli taluk stood in the names of (1) Mevundi Kotrappa and (2) Halappa. It was sold on 1-10-1934 for arrears of land revenue of fasli 1343 and was bought-in-by Government for want of bids. The sale was confirmed by the Sub Collector, Hospet on 19-12-1934 in his N.Dis.C. No. 7221/34.

It is now brought to my notice that the petitioner who is a minor obtained this land in 1932 though a civil court decree in satisfaction of a debt due to him by the defaulters and that they (defaulters) intentionally left the land uncultivated and had it sold for land revenue arrears with a view to deprive him (minor petitioner) of it.

3. The petitioner's guardian mother resides in Mysore State and due to her ignorance the minor's interest in the land was not guarded as required by B B O No. 40(10) note. The notices of sale could not therefore be served on the minor. However he came to know about the sale of the lands subsequently and

credited

credited on 25-7-1935, the entire arrear with interest thereon, due on the land. He now applies for cancellation of the sale. As the minor petitioner's interests have been jeopardised by the sale of the land I recommend that the sale and its confirmation by the Sub Collector may be cancelled The arrears for Faslis 1344 and 1345 will be realised from the petitioner before the land is registered in his name.

4. The following records are sent for reference and return.

i. Sub Collector's L.Dis. 6793/35 dated 11-1-36 (Pages 1 to 44)

ii. Deputy Tahsildar's D.Dis.C.No. 2048/34 dated 28-12-1934 (pages 1 to 46).

iii. Current file (pages 1 to 10).

M Latty.
23-4-36.
For Collector.

Note file

Rev. Recovery (Bellary). Hadagalli Tk - Herehadagalli Vge. S.No 160 - sale for arrears of revenue - Cancellation.

A 1809/36

To AS.

Please see the letter at pp 1-2 of from the Collr of Bellary.

2/. The Collr recommends the cancellation of the sale on the ground that the interest of the petitioner who is a minor, has jeopardised by it. Attention is invited to Sec 63 of Madras Act II of 1864 and Sec 6 (Thirdly) of regulation X of 1831. Under those provisions, no estate which is the property of a minor and which has descended to him in the regular course of inheritance shall during his minority be sold for arrears of revenue accruing subsequently to his accession. In the case reported by the Collr, no such interest of a minor has been sold. The minor's interest in the la

sold for the arrear, is that only of a creditor under a civil court decree of 1-4-33 and also a made over interest under a mortgage bond. The Dy Tahsr's report at fops 25-27 of (W) may also be perused. It therefore appears that there has been no infringement of the provisions of law, in this respect, especially as a sale of land for land revenue arrears is free of all encumbrances. ~~whatso~~ It does not matter if the encumbrance is a minor's interest or anybody's ~~else~~ interest.

3/. The sale cannot be cancelled for the reason stated by the Collr. Post it may be observed that the land has been bought-in by Govt for want of bidders and the only illegality in both and conducting it is that no 7 notice has been issued only in the vernacular while Sec 36(2) requires that the notice should were both in English and in the vernacular. In view of this defect, it seems safer to cancel the sale and avoid ~~a~~ a Civil suit from the minor as his interest in the land is large (Rs1400/-). Further the minor's guardian